



Appeal Decision

Site visit made on 4 April 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2022

Appeal Ref: APP/W4705/D/21/3280964

2 Springfield Cottages, Halifax Road, Bingley BD21 5PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Fulton against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/02073/HOU, dated 14 April 2021, was refused by notice dated 18 June 2021.
 - The development is retrospective planning application for rear boundary fence & front parking spaces.
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Decision

1. The appeal is dismissed insofar as it relates to the rear boundary fence. The appeal is allowed insofar as it relates to the front parking spaces and planning permission is granted for the front parking spaces at 2 Springfield Cottages, Halifax Road, Bingley BD21 5PP in accordance with the terms of the application, Ref 21/02073/HOU, dated 14 April 2021, and the plans submitted with it insofar as they relate to that part of the development hereby permitted, and subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with the following plans insofar as it relates to the front parking spaces: 1514/01 and 1514/02 A.

Preliminary Matters

2. It is clear that the application for planning permission was submitted to the Council retrospectively and the application was determined as such. I am satisfied that the plans accurately reflect what I saw during my visit to the site and I have determined the appeal accordingly.
3. It is also clear from the reason for refusal that although the application was refused, the Council had no specific concerns regarding the creation of a parking area at the front of the property. Nothing I have seen or read leads me to a different conclusion in respect of this aspect of the appeal scheme and for the reasons that follow I find the creation of front parking spaces to be acceptable. I am satisfied that this element of the appeal scheme is severable physically and functionally from the rear boundary fence and I therefore intend to issue a split decision in this case.

Main Issue

4. The main issue is the effect of the rear boundary fence on the character and appearance of the appeal property and surrounding area.

Reasons

5. The appeal property lies in an exposed open countryside location amongst a small group of dwellings. Its residential use derives, I am advised, from an earlier barn conversion scheme and is the middle property of three in a stone-built range with a strong east-west linear form. Although post-and-rail fences are commonplace in the surrounding area, low dry-stone walls are distinctive features of the residential properties, both front and rear, and particularly perpendicular to the range. Whilst the appeal site's means of enclosure is not widely visible within the surrounding open landscape, a path runs along the rear boundaries providing access to other properties within the range from where the fence can be viewed from closer quarters.
6. The area of garden enclosed by the rear boundary fence is on the northern side of the range. The stone walls, perpendicular to the range, have been retained with the grey composite fencing panels located on the 'internal' side of the wall. A similar approach has also been adopted adjacent to the rear post-and-rail fence with the fence panels installed on the 'internal' side of the fence. In both situations, the fence panels extend in height above the existing walls / fence.
7. The retention of the existing stone walls and the rear post-and-rail fence retains a degree of unity and consistency amongst the boundary enclosures around the group of buildings. This was, the Council suggests, a consideration in the removal of permitted development rights by condition¹ for means of enclosure at these properties.
8. However, the fence panels extend above the height of these enclosures in a manner not seen elsewhere along this range, or else within the group of buildings more widely. There are, I accept, other garden structures and paraphernalia within neighbouring gardens, and shrub and tree planting softens the setting of the gardens. However, these features do not erode the consistency or sense of uniformity presented by the existing means of enclosure or detract from the strong linear axis of the buildings. Rather, the fence panels are an awkward addition to the range, projecting above the existing means of enclosure and distracting from the vernacular consistency of the stone walls and post-and-rail fence.
9. Furthermore, the panels introduce an unnecessarily harsh, suburban feature into an otherwise rural countryside setting. The panels are stark in their appearance and, whilst their textured pattern is noted and accepting that timber fence panels could also be painted a similar colour finish, are nevertheless a discordant and disruptive feature in this setting. That only a limited section of the fence panels are visible above the existing stone wall does not soften their visual impact or lessen their harmful impact on the character and appearance of the range or surrounding buildings.
10. Together, Core Strategy (CS) policies DS1, DS2 and DS3 set out the Council's approach to seeking good, high-quality design in development proposals; in general terms and within the context of their landscape and built environment settings, respectively. For the reasons set out, the appeal scheme fails to take the opportunity to improve the surrounding area by introducing an unnecessarily stark and incongruous feature into an open, rural countryside setting in a manner that fails to respond positively to existing patterns of

¹ Under LPA Ref No: 06/02666/FUL

development, in this instance the consistent approach to garden enclosures, in the surrounding area. As such, the proposal is contrary to CS policies DS1, DS2 and DS3.

11. I can understand the appellant's desire to enhance domestic security and to provide privacy and reduce overlooking. However, intervisibility is, to an extent, inevitable where properties are attached to their neighbours but, more significantly, it has not been demonstrated that there are no other, less harmful, ways to achieve the same or similar results in terms of security of privacy. These matters do not therefore persuade me as to the acceptability of the appeal scheme in light of the harm that I have identified.

Other Matters

12. The front parking spaces reflect other examples of parking within the complex of buildings. This element of the appeal scheme retains the existing stone walls without embellishment, alteration or addition, with retractable bollards across the entrance from the access road. The Council conclude that this causes no harm to the character or appearance of the surrounding area and, from all that I have seen and read I do not disagree.
13. As described above in the preliminary matters, I am satisfied that this element of the appeal scheme is physically and functional separable from the rear boundary fence. As such, it is appropriate to reach a split decision in these circumstances and allow this element of the appeal scheme.
14. The appeal property lies within the Green Belt. Whether or not the appeal scheme's elements are inappropriate development within the Green Belt, and whether or not it preserves Green Belt openness are not points of dispute between the parties. Nor have I been presented with any evidence that would lead me to conclude otherwise. However, the agreed absence of Green Belt harm does not alter my conclusions regarding the effect of the fence panels on the character and appearance of the appeal property and surrounding area.

Conditions

15. I have considered the Council's suggested condition in the context of the Framework, Planning Practice Guidance and my conclusion in reaching a split decision. Thus, insofar as the drawings and plans relate to the front parking area, the development shall be retained in accordance with the details set out on those plans. Those approved plans shall only relate to that element of the appeal scheme and not to the rear boundary fence which, in accordance with my split decision, I conclude should be dismissed. No further conditions have been put to me, nor do I consider any to be necessary.

Conclusion

16. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the front parking spaces. Insofar as the appeal relates to the rear boundary fence, I conclude that the appeal should be dismissed for the reasons I have set out above.

G Robbie

INSPECTOR